

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:23CR134 HEA
)	
SCOTT MICHAEL MICKE ARNOLD,)	
)	
Defendant.)	

ORDER

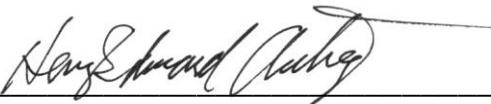
This matter is before the Court on the Reports and Recommendations of Magistrate Judge Patricia L. Cohen addressing Defendant's Motion to Dismiss Count III of the Superseding Indictment, [Doc. No. 55]. In her March 21, 2024 Report and Recommendation, Judge Cohen recommended that Defendant's Motion be denied. Defendant has filed a written objection to this recommendation. Defendant recognizes that in *United States v. Jackson*, 69 F.3d 495 (8th Cir. 2023), the Eighth Circuit upheld the constitutionality of 18 U.S.C. § 922(g)(1) as applied to felons with only non-violent prior convictions. He filed his objection in order to preserve the issue for appeal. The objection is overruled.

Judge Cohen thoroughly analyzes the law and facts in this matter. Her recommendation is based on sound legal authority and detailed analysis. Upon review, the Court adopts the Report and Recommendation *in toto*.

Accordingly,

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss Count III of the Indictment, [Doc. No. 51], is **DENIED**.

Dated this 9th Day of April, 2024.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE